

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLIFTON PHILLIPS,

Plaintiff,

-against-

5:16-CV-1140 (LEK/ATB)

DAVID PROUD, *et al.*,

Defendants.

AMENDED ORDER

This matter comes before the Court following an Order and Report-Recommendation filed on November 1, 2016, by the Honorable Andrew T. Baxter, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 9 (“Report-Recommendation”). Order amends [10] Order dated 3/09/2017.

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b); L.R. 72.1(c). If no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); Farid v. Bouey, 554 F. Supp. 2d 301, 306–07, 306 n.2 (N.D.N.Y. 2008); see also Machicote v. Ercole, No. 06-CV-13320, 2011 WL 3809920, at *2 (S.D.N.Y. Aug. 25, 2011) (“[E]ven a pro se party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal, such that no party be allowed a second bite at the apple by simply relitigating a prior argument.”). “A [district] judge . . . may

accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b).

No objections were filed in the allotted time period. Docket. Thus, the Court has reviewed the Report-Recommendation for clear error and has found none.

Accordingly, it is hereby:

ORDERED, that the Order and Report-Recommendation (Dkt. No. 9) is **APPROVED and ADOPTED in its entirety**; and it is further

ORDERED, that any claims against defendants Syracuse Police Department, U.S. Marshal’s Service, New York State Division of Parole, G.I.V.E. Operation Impact, State of New York, and Gang Violence Task Force are **DISMISSED with prejudice**; and it is further

ORDERED, that the Clerk of the Court shall issue summonses and forward them, along with copies of the Complaint (Dkt. No. 1), to the United States Marshal for service upon defendants David Proud, Paul Rigby, Michael Ferrante, Paul Casler, City of Syracuse, William Summers, Scott Fura, Jason Eiffel, David Metz, and Jeffrey Ballagh. The Clerk shall also forward a copy of the summons and Complaint to the Office of the Corporation Counsel of the City of Syracuse, the Onondaga County Attorney’s Office, and the Attorney General of the State of New York, together with a copy of the Report-Recommendation; and it is further

ORDERED, that a formal response to Phillips’s Complaint shall be filed by the remaining defendants or defendants’ counsel as provided in the Federal Rules of Civil Procedure subsequent to service of process on the remaining defendants; and it is further

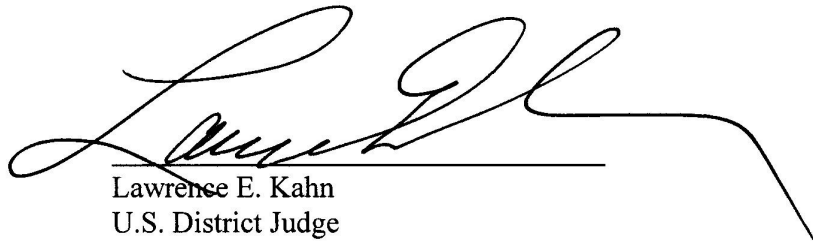
ORDERED, that the Clerk schedule a Rule 16 conference and issue a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern

District of New York. The General Order 25 packet shall be forwarded to the United States Marshal for service upon Defendants; and it is further

ORDERED, that the Clerk serve a copy of this Order on Phillips in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: March 10, 2017
Albany, New York



Lawrence E. Kahn
U.S. District Judge